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SENATE BILL 367

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Eric G. Griego

AN ACT

RELATING TO DEVELOPMENT FEES; REMOVING SCHOOLS FROM THE LIST OF  
ITEMS NOT PAYABLE BY IMPACT FEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 5-8-5 NMSA 1978 (being Laws 1993,  
Chapter 122, Section 5) is amended to read:

"5-8-5. ITEMS NOT PAYABLE BY FEE.--Impact fees shall not  
be imposed or used to pay for:

A. construction, acquisition or expansion of public  
facilities or assets that are not capital improvements or  
facility expansions identified in the capital improvements  
plan;

B. repair, operation or maintenance of existing or  
new capital improvements or facility expansions;

C. upgrading, updating, expanding or replacing

underscored material = new  
[bracketed material] = delete

1 existing capital improvements to serve existing development in  
2 order to meet stricter safety, efficiency, environmental or  
3 regulatory standards;

4 D. upgrading, updating, expanding or replacing  
5 existing capital improvements to provide better service to  
6 existing development;

7 E. administrative and operating costs of a  
8 municipality or county except as provided in Paragraph (4) of  
9 Subsection A of Section [~~4 of the Development Fees Act~~] 5-8-4  
10 NMSA 1978;

11 F. principal payments or debt service charges on  
12 bonds or other indebtedness except as allowed by Section [~~4 of~~  
13 ~~the Development Fees Act~~] 5-8-4 NMSA 1978; or

14 G. libraries, community centers, [~~schools~~] projects  
15 for economic development and employment growth, affordable  
16 housing or apparatus and equipment of any kind except capital  
17 improvements defined in Paragraph (3) of Subsection [~~G~~] D of  
18 Section [~~2 of the Development Fees Act~~] 5-8-2 NMSA 1978."

19 Section 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2009.

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